

EXHIBIT A



Notice of Service of Process

Transmittal Number: 18526404
Date Processed: 08/06/2018

Primary Contact: Lola M. Becton
CKE Restaurants Holdings, Inc.
6700 Tower Circle
Ste 1000
Franklin, TN 37067

Electronic copy provided to: William Werner
Lena Brewer

Entity:	Hardee's Restaurants LLC Entity ID Number 3181301
Entity Served:	Hardee's Restaurants LLC
Title of Action:	E.P and S.F vs. CKE Restaurants Holdings, Inc.,
Document(s) Type:	Summons/Complaint
Nature of Action:	Class Action
Court/Agency:	Mecklenburg County Superior Court, North Carolina
Case/Reference No:	18 cvs 14007
Jurisdiction Served:	North Carolina
Date Served on CSC:	08/03/2018
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Scott C. Harris 919-600-5000

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To avoid potential delay, please do not send your response to CSC
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



WHITFIELD BRYSON
& MASON LLP
ATTORNEYS AT LAW

John C. Whitfield + #0
Daniel K. Bryson + +
Gary E. Mason + ^ +
Scott C. Harris + +
Matthew E. Lee + +
Caroline Ramsey Taylor + +0
Natasha C. Camenisch +0
Jeremy R. Williams +

Patrick M. Wallace +
Danielle L. Perry + >
Jennifer S. Goldstein + +
J. Hunter Bryson +
Katie C. Stauffer 0
Charles A. Schneider +
Martha B. Schneider + ~
Roger N. Braden + ~

900 West Morgan Street
Raleigh, North Carolina 27603

Mailing Address:
P. O. Box 12638
Raleigh, North Carolina 27605

Office: 919.600.5000
www.wbmlp.com

State Bar Admissions:
KY + DC + NC + FL + TN 0
NY + MD + IL + MO + CA +
Of Counsel +

Scott E. Heldman
(919) 600-5018
sheldman@wbmlp.com

August 1, 2018

VIA CERTIFIED MAIL

Hardee's Restaurants LLC

Registered Agent: Corporation Service Company

2626 Glenwood Avenue, Ste. 550

Raleigh, NC 27608

Re: E.P. and S.F. CKE Restaurants Holdings, Inc. et al.
Mecklenburg County, NC, Superior Court Case No. 18-cvs-14007

Dear Registered Agent:

Enclosed is a copy of the Summons and Complaint in the above captioned matter. Please forward these documents to your client. If your client would like to discuss this matter after they have reviewed the enclosed documents, contact attorney Scott Harris at 919-600-5003.

Sincerely,

Scott E. Heldman
Paralegal

Enclosure

STATE OF NORTH CAROLINA

MECKLENBURG County

File No.

18 CVS 14007

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Plaintiff

E.P and S.F.

Address

City, State, Zip

VERSUS

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

CKE RESTAURANTS HOLDINGS, INC. et al.

Date Original Summons Issued


Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Hardee's Restaurants LLC
Registered Agent: Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

Name And Address Of Defendant 2

 **IMPORTANT!** You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If none, Address Of Plaintiff)

Scott C. Harris
Whitfield Bryson & Mason LLP
900 W. Morgan St.
Raleigh, NC 27603

Date Issued

7-16-18

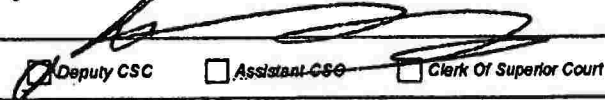
Time

1:38

☐ AM

☒ PM

Signature



☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM

☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE			
I certify that this Summons and a copy of the complaint were received and served as follows:			
DEFENDANT 1			
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
<div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <small>Name And Address Of Person With Whom Copies Left (If corporation, give title of person copies left with)</small>			
<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			
DEFENDANT 2			
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
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<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			
<small>Service Fee Paid</small> \$	<small>Signature Of Deputy Sheriff Making Return</small>		
<small>Date Received</small>	<small>Name Of Sheriff (type or print)</small>		
<small>Date Of Return</small>	<small>County Of Sheriff</small>		
<small>AOC-CV-100, Side Two, Rev. 4/18 © 2018 Administrative Office of the Courts</small>			



Notice of Service of Process

Transmittal Number: 18536518
Date Processed: 08/07/2018

Primary Contact: Lola M. Becton
CKE Restaurants Holdings, Inc.
6700 Tower Circle
Ste 1000
Franklin, TN 37067

Electronic copy provided to: Lena Brewer
William Werner

Entity:	CKE Restaurants Holdings Inc. Entity ID Number 3187246
Entity Served:	CKE Restaurants Holdings, Inc.
Title of Action:	E.P and S.F vs. CKE Restaurants Holdings, Inc
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Mecklenburg County General Court of Justice, North Carolina
Case/Reference No:	18 cvs 14007
Jurisdiction Served:	North Carolina
Date Served on CSC:	08/06/2018
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Daniel K. Bryson 919-600-5000

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WHITFIELD BRYSON
& MASON LLP
ATTORNEYS AT LAW

John C. Whitfield * *
Daniel K. Bryson * *
Gary E. Mason * *
Scott C. Harris * *
Matthew E. Lee * *
Caroline Ramsey Taylor * *
Natasha C. Camenisch * *
Jeremy R. Williams *

Patrick M. Wallace *
Danielle L. Perry *
Jennifer S. Goldstein *
J. Hunter Bryson *
Katie C. Stauffer *
Charles A. Schneider *
Martha B. Schneider *
Roger N. Braden *

900 West Morgan Street
Raleigh, North Carolina 27603

Mailing Address:
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Raleigh, North Carolina 27605

Office: 919.600.5000
www.wbmlp.com

Scott E. Heldman
(919) 600-5018
sheldman@wbmlp.com

State Bar Admissions:
KY * DC * NC * FL * TN *
NY * MD * IL * MO * CA *
Of Counsel *

August 1, 2018

VIA CERTIFIED MAIL

CKE Restaurants Holdings, Inc.
Registered Agent: Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

Re: E.P and S.F. CKE Restaurants Holdings, Inc. et al.
Mecklenburg County, NC, Superior Court Case No. 18-cvs-14007

Dear Registered Agent:

Enclosed is a copy of the Summons and Complaint in the above captioned matter. Please forward these documents to your client. If your client would like to discuss this matter after they have reviewed the enclosed documents, contact attorney Scott Harris at 919-600-5003.

Sincerely,

Scott E. Heldman
Paralegal

Enclosure

STATE OF NORTH CAROLINA

MECKLENBURG County

File No.

18 CVS 14007

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Plaintiff

E.P and S.F.

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

CKE RESTAURANTS HOLDINGS, INC. et al.

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

CKE Restaurants Holdings, Inc.
Registered Agent: Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, **DO NOT** throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. **¡NO TIRE** estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If none, Address Of Plaintiff)

Scott C. Harris
Whitfield Bryson & Mason LLP
900 W. Morgan St.
Raleigh, NC 27603

Date Issued

7.16.18

Time

1:43

☐ AM ☒ PM

Signature

[Signature]

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE		
I certify that this Summons and a copy of the complaint were received and served as follows:		
DEFENDANT 1		
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.		
<div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <small>Name And Address Of Person With Whom Copies Left (If corporation, give title of person copies left with)</small>		
<input type="checkbox"/> Other manner of service (specify)		
<input type="checkbox"/> Defendant WAS NOT served for the following reason:		
DEFENDANT 2		
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.		
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<input type="checkbox"/> Other manner of service (specify)		
<input type="checkbox"/> Defendant WAS NOT served for the following reason:		
Service Fee Paid \$	Signature Of Deputy Sheriff Making Return	
Date Received	Name Of Sheriff (type or print)	
Date Of Return	County Of Sheriff	
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Notice of Service of Process

Transmittal Number: 18526356
Date Processed: 08/06/2018

Primary Contact: Lola M. Becton
CKE Restaurants Holdings, Inc.
6700 Tower Circle
Ste 1000
Franklin, TN 37067

Electronic copy provided to: William Werner
Lena Brewer

Entity:	Hardee's Food Systems LLC Entity ID Number 3258598
Entity Served:	Hardee's Food Systems LLC
Title of Action:	E.P and S.F. vs. CKE Restaurants Holdings, Inc
Document(s) Type:	Summons/Complaint
Nature of Action:	Class Action
Court/Agency:	Mecklenburg County Superior Court, North Carolina
Case/Reference No:	18 CVS 14007
Jurisdiction Served:	North Carolina
Date Served on CSC:	08/03/2018
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Scott C. Harris 919-600-5000

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251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



WHITFIELD BRYSON
& MASON LLP
ATTORNEYS AT LAW

John C. Whitfield + #0
Daniel K. Bryson +
Gary E. Mason + ^
Scott C. Harris +
Matthew E. Lee +
Caroline Ramsey Taylor + #0
Natasha C. Camenisch +0
Jeremy R. Williams +

Patrick M. Wallace +
Danielle L. Perry +>
Jennifer S. Goldstein +"
J. Hunter Bryson +
Katie C. Stauffer 0
Charles A. Schneider +>
Martha B. Schneider + -
Roger N. Braden + -

State Bar Admissions:
KY + DC + NC + FL + TN 0
NY + MD + IL + MO + CA +
Of Counsel +

900 West Morgan Street
Raleigh, North Carolina 27603

Mailing Address:
P. O. Box 12638
Raleigh, North Carolina 27605

Office: 919.600.5000
www.wbmlp.com

Scott E. Heldman
(919) 600-5018
sheldman@wbmlp.com

August 1, 2018

VIA CERTIFIED MAIL

Hardee's Food Systems LLC
Registered Agent: Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

Re: E.P. and S.F. CKE Restaurants Holdings, Inc. et al.
Mecklenburg County, NC, Superior Court Case No. 18-cvs-14007

Dear Registered Agent:

Enclosed is a copy of the Summons and Complaint in the above captioned matter. Please forward these documents to your client. If your client would like to discuss this matter after they have reviewed the enclosed documents, contact attorney Scott Harris at 919-600-5003.

Sincerely,

Scott E. Heldman
Paralegal

Enclosure

STATE OF NORTH CAROLINA

MECKLENBURG

County

File No.

18 CV 14007

In The General Court Of Justice

☐ District☒ Superior Court Division

Name Of Plaintiff

E.P and S.F.

Address

City, State, Zip

CIVIL SUMMONS☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

VERSUS

Name Of Defendant(s)

CKE RESTAURANTS HOLDINGS, INC. et al.

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Hardee's Food Systems LLC

Registered Agent: Corporation Service Company

2626 Glenwood Avenue, Ste. 550

Raleigh, NC 27608

Name And Address Of Defendant 2

IMPORTANT! You have been sued! These papers are legal documents, **DO NOT** throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. **¡NO TIRE** estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Scott C. Harris

Whitfield Bryson & Mason LLP

900 W. Morgan St.

Raleigh, NC 27603

Date Issued

1-16-18

Time

1:43

☐ AM☒ PM

Signature

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days

Date Of Endorsement

Time

☐ AM☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE			
I certify that this Summons and a copy of the complaint were received and served as follows:			
DEFENDANT 1			
Date Served	Time Served <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> AM <input type="checkbox"/> PM</div>	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Other manner of service (specify) <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Defendant WAS NOT served for the following reason: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
DEFENDANT 2			
Date Served	Time Served <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> AM <input type="checkbox"/> PM</div>	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Other manner of service (specify) <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Defendant WAS NOT served for the following reason: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
Service Fee Paid \$		Signature Of Deputy Sheriff Making Return	
Date Received		Name Of Sheriff (type or print)	
Date Of Return		County Of Sheriff	



WHITFIELD BRYSON
& MASON LLP
ATTORNEYS AT LAW

John C. Whitfield * *
Daniel K. Bryson * *
Gary E. Mason * *
Scott C. Harris * *
Matthew E. Lee * *
Caroline Ramsey Taylor * *
Natasha C. Camenisch * *
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Charles A. Schneider *
Martha B. Schneider *
Roger N. Braden *

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Raleigh, North Carolina 27603

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Raleigh, North Carolina 27605

Office: 919.600.5000
www.wbmlp.com

Scott E. Heldman
(919) 600-5018
sheldman@wbmlp.com

State Bar Admissions:
KY * DC * NC * FL * TN *
NY * MD * IL * MO * CA *
Of Counsel *

August 1, 2018

VIA CERTIFIED MAIL

Morning Star, LLC
a/k/a Morning Star NC, LLC
Registered Agent: Brian Bergeron
624 Tyvola Rd., Ste. 103-336
Charlotte, NC 28217-3578

Re: E.P. and S.F. CKE Restaurants Holdings, Inc. et al.
Mecklenburg County, NC, Superior Court Case No. 18-cvs-14007

Dear Mr. Bergeron:

Enclosed is a copy of the Summons and Complaint in the above captioned matter. Please forward these documents to the attorney representing Morning Star, LLC a/k/a Morning Star NC, LLC. If you would like to discuss this matter after you have reviewed the enclosed documents, contact attorney Scott Harris at 919-600-5003.

Sincerely,

Scott E. Heldman
Paralegal

Enclosure

STATE OF NORTH CAROLINA

MECKLENBURG

County

File No.

18 CV5 14007

In The General Court Of Justice

☐ District ☒ Superior Court DivisionName Of Plaintiff
E.P and S.F.

Address

City, State, Zip

CIVIL SUMMONS☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

GS 1A-1, Rules 3 and 4

VERSUSName Of Defendant(s)
CKE RESTAURANTS HOLDINGS, INC. et al.

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:Name And Address Of Defendant 1
Morning Star, LLC a/ka/ Morning Star NC, LLC
Registered Agent: Brian Bergeron
624 Tyvola Rd., Ste. 103-336
Charlotte, NC 28217-3578

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

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2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Scott C. Harris
Whitfield Bryson & Mason LLP
900 W. Morgan St.
Raleigh, NC 27603

Date Issued

7.16.18

Time

1:40

☐ AM ☒ PM

Signature

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE			
I certify that this Summons and a copy of the complaint were received and served as follows:			
DEFENDANT 1			
Date Served	Time Served <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> AM <input type="checkbox"/> PM</div>	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			
DEFENDANT 2			
Date Served	Time Served <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> AM <input type="checkbox"/> PM</div>	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			
Service Fee Paid \$		Signature Of Deputy Sheriff Making Return	
Date Received		Name Of Sheriff (type or print)	
Date Of Return		County Of Sheriff	
AOC-CV-100, Side Two, Rev. 4/18 © 2018 Administrative Office of the Courts			

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2018 JUL 16 PM 1:38

FILE NO. 18 CVS 14007

E.P and S.F., individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

CKE RESTAURANTS HOLDINGS, INC.,
a Delaware Corporation; HARDEE'S
FOOD SYSTEMS LLC., a North Carolina
Corporation; HARDEE'S
RESTAURANTS LLC, a Delaware
Corporation; and MORNING STAR, LLC
a/k/a MORNING STAR NC, LLC, a
Florida Corporation,

Defendants.

CLASS ACTION COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiffs E.P. and S.F. ("Plaintiffs") hereby file this class action Complaint on behalf of themselves and all others similarly situated, by and through the undersigned attorneys, against Defendants CKE Restaurants Holdings, Inc. ("CKE"), Hardee's Food Systems LLC. ("Hardee's Food"), Hardee's Restaurants LLC ("Hardee's Restaurants"), and Morning Star, LLC a/k/a Morning Star NC, LLC ("Morning Star") (collectively, "Defendants"), and allege as follows based upon personal knowledge as to themselves and their own acts and experiences and, as to all other matters, upon information and belief based upon, *inter alia*, investigation conducted by their attorneys.

NATURE OF THE CASE

1. This is a class action lawsuit brought by Plaintiffs on behalf of a class of all similarly situated individuals who were subject to actual and/or potential Hepatitis A exposure ("Class members") while dining on food and beverages purchased from Defendants' quick-

service Hardee's restaurant located at 2604 Little Rock Road in Charlotte, North Carolina (hereinafter, "Restaurant") between approximately June 13, 2018 and June 23, 2018.

2. In or about June 2018, an employee of Defendants who handled food at the Restaurant was diagnosed with Hepatitis A and potentially exposed thousands of customers to the illness.

3. As a result of Plaintiffs' and the Class members' actual or potential exposure to Hepatitis A at the Restaurant, and, as set forth below with greater particularity, they were exposed to pathogens and placed at an increased risk of contracting Hepatitis A. As a result, Plaintiffs and the Class members have been and will continue to be tested for this potentially deadly virus.

4. Plaintiffs and Class members must now undergo medical treatment for their injuries which would not have been necessary in the absence of Defendants' violations alleged herein, and have to live with severe emotional and mental anguish due to Defendants' negligence.

PARTIES

5. Plaintiff E.P. ("Plaintiff E.P.") is a resident and citizen of the state of North Carolina.

6. Plaintiff S.F. ("Plaintiff S.F.") is a resident and citizen of the state of North Carolina.

7. Defendant CKE is and has been incorporated in Delaware since 2013.

8. Defendant Hardee's Food is and at all times relevant hereto has been a North Carolina corporation.

9. In 1997, Defendant CKE acquired Hardee's Food and has owned Hardee's Food at all times relevant hereto.

10. Defendant Hardee's Restaurants is and at all times relevant hereto has been a Delaware corporation.

11. Defendant Hardee's Restaurants owns, operates and franchises individual Hardee's restaurant locations.

12. Defendant Morning Star is and at all times relevant hereto has been a Florida corporation.

13. At all times relevant hereto, Defendant Morning Star owned and operated the Restaurant as a Hardee's Restaurants franchisee, pursuant to a franchise agreement with Defendant Hardee's Restaurant.

14. In addition, Defendants are alter egos or mere continuations of one another such that they should be considered one and the same.

JURISDICTION AND VENUE

15. This Court is vested with jurisdiction over Defendants because, at all times relevant hereto, Defendants were companies doing business in the State of North Carolina.

16. This Court is vested with original jurisdiction because the damages sought by the Plaintiff and others similarly situated are in an amount in excess of twenty-five thousand dollars (\$25,000).

17. Venue is proper in Mecklenburg County pursuant to N.C. Gen. Stat. §§1-79 and 1-80 because: (a) the causes of action alleged herein arose in this County; (b) and Defendants transact business in this County.

STATEMENT OF FACTS

A. Plaintiff E.P.'s Experience

18. On or about June 22, 2018, Plaintiff E.P. dined at the Restaurant, and consumed food and beverages that he purchased at the Restaurant.

19. The Mecklenburg County Health Department ("MCHD") announced on or about June 26, 2018 that persons who had consumed food or drink at the Restaurant between June 13, 2018 and June 23, 2018 were at risk for development of Hepatitis A infections.

20. MCHD urged anyone who consumed food or drink at the Restaurant between June 13, 2018 and June 23, 2018 to contact their health care providers or to attend free clinics to receive a Hepatitis A vaccination shot as soon as possible.

21. On or about June 27, 2018, Plaintiff E.P. received a Hepatitis A vaccination shot from MCHD.

22. When Plaintiff E.P. received his Hepatitis A vaccination, he was advised by the MCHD that he would need a second dose six months following the date of initial vaccination. He was further advised that he could receive the second dose from MCHD, but may incur a charge.

23. Plaintiff E.P. has been forced to incur the expense, inconvenience, and distraction from everyday activities due to the worry and stress of his possible infection with Hepatitis A. Those damages and similar damages that other Class members have suffered and will reasonably suffer in the future, in addition to the Class-wide damages of the emotional disruption of their life, the physical invasion and other effects of the testing process, and the months of dread suffered by every class member.

24. The fact that Plaintiff E.P. has been subject to actual or potential Hepatitis A exposure has caused him lost wages, pain, suffering, humiliation, loss of enjoyment of life, and other general and special damages in an amount to be proven at trial.

B. Plaintiff S.F.'s Experience

25. On or about June 14, 2018, Plaintiff S.F. dined at the Restaurant, and consumed food and beverages that she purchased at the Restaurant.

26. The Mecklenburg County Health Department ("MCHD") announced on or about June 26, 2018 that persons who had consumed food or drink at the Restaurant between June 13, 2018 and June 23, 2018 were at risk for development of Hepatitis A infections.

27. MCHD urged anyone who consumed food or drink at the Restaurant between June 13, 2018 and June 23, 2018 to contact their health care providers or to attend free clinics to receive a Hepatitis A vaccination shot as soon as possible.

28. Plaintiff S.F. received a Hepatitis A vaccination shot from her family doctor.

29. When Plaintiff S.F. received her Hepatitis A vaccination, she was advised by her doctor that she would need a second dose six months following the date of initial vaccination.

30. Plaintiff S.F. has been forced to incur the expense, inconvenience, and distraction from everyday activities due to the worry and stress of her possible infection with Hepatitis A. Those damages and similar damages that other Class members have suffered and will reasonably suffer in the future, in addition to the Class-wide damages of the emotional disruption of their life, the physical invasion and other effects of the testing process, and the months of dread suffered by every class member.

31. The fact that Plaintiff S.F. has been subject to actual or potential Hepatitis A exposure has caused her lost wages, pain, suffering, humiliation, loss of enjoyment of life, and other general and special damages in an amount to be proven at trial.

C. Defendants' knowledge of the Hepatitis A Exposure Incidents

32. Defendants are undeniably aware of both actual and potential Hepatitis A exposure endured by their customers, including Plaintiffs and Class members, because they have issued the following statement related to such exposure:

We can confirm that an employee at a franchise-owned Hardee's restaurant at 2604 Little Rock Road in Charlotte, North Carolina was recently diagnosed with Hepatitis A. Once CKE became aware, we immediately followed up with Mecklenburg County Public Health, which conducted an inspection on Monday, June 25.¹

33. Following the actual and potential exposure to Hepatitis A experienced by Plaintiffs and the Class members, the Restaurant closed for a period of time.

34. Also following the actual and potential exposure to Hepatitis A experienced by Plaintiffs and the Class members, the MCHD administered approximately 1,500 vaccines to people who had dined at the Restaurant between June 13 and June 23, 2018.

D. Dangers of Hepatitis A Exposure

35. According to the Centers for Disease Control and Prevention (CDC), "Hepatitis A is a serious liver disease. It is caused by the hepatitis A virus (HAV). HAV is spread from person to person through contact with the feces (stool) of people who are infected, which can easily happen if someone does not wash his or her hands properly. You can also get hepatitis A from food. . . ."

36. Also according to the CDC, symptoms of Hepatitis A can include:

- fever, fatigue, loss of appetite, nausea, vomiting, and/or joint pain.
- severe stomach pains and diarrhea (mainly in children), or
- jaundice (yellow skin or eyes, dark urine, clay-colored bowel movements).

37. CDC reports that these symptoms usually appear two to six weeks after exposure and an illness may last as long as six months, making some people "too ill to work."

38. Among reported cases of hepatitis A, nearly 40% require hospitalization. Many days of work are missed due to hepatitis A, as well. Older people and people with chronic liver

¹ <http://abc11.com/health/customers-who-ate-at-charlotte-hardees-should-get-hep-a-vaccination/3661484/> (last visited July 5, 2018).

disease, such as those infected with Hepatitis C virus, are more likely to be seriously ill and die from hepatitis A.²

39. Because of the limitations of Hepatitis A testing, a recent infection may not be detectable for nearly two months, so Plaintiffs and Class members cannot yet know whether they are out of the zone of danger into which Defendants' conduct placed them. Thus, Plaintiffs and Class members will live with the anxiety, stress, and emotional distress that they may be infected with Hepatitis A. Plaintiffs and Class members must thus endure Hepatitis A vaccinations whether or not they were actually exposed to the virus. Their resulting distress is the natural, expected product of the zone of danger into which the Defendant's negligence placed Plaintiffs and Class members.

CLASS ALLEGATIONS

40. The proposed class (the "Class") is defined as follows:

All persons who dined on food and/or beverages purchased at the Hardee's quick-service restaurant located at 2604 Little Rock Road, Charlotte, North Carolina between June 13 and 23, 2018.

41. Excluded from the Class are Defendants and their employees, officers and directors, and the Judge(s) assigned to this case. Plaintiffs reserve the right to modify, change or expand the Class definition after conducting discovery.

42. The requirements of North Carolina's class action rule, N.C. Gen. Stat. §1A-1, Rule 23 (2017) (hereinafter, "Rule 23"), are met in this case. Class treatment is appropriate "[i]f persons constituting a class are so numerous as to make it impracticable to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all may, on behalf of all, sue or be sued."

² <http://www.immunize.org/catg.d/p4204.pdf> (last visited July 5, 2018).

43. Numerosity. The exact number of Class members is unknown to Plaintiffs, but it likely includes thousands of people who consumed food during the relevant time period; the exact number can be readily determined from purchase and sale records maintained by Defendants. Thus, the number of persons who are members of the proposed Class is so numerous that joinder of all members is impracticable.

44. Adjudication of these claims by individual members of the Class would, as a practical matter, be dispositive of the interests of the other members not parties to the actions, or substantially impair or impede the ability of other members of the Class to protect their interests.

45. Commonality. There are numerous questions of fact and/or law that are common to Plaintiffs and all members of the Class, with answers that are common to all members of the Class, including, but not limited to:

- a. Whether Defendants failed to properly supervise and monitor their employees at the Restaurant to ensure that they were engaging in proper sanitation procedures and sufficiently healthy for employment;
- b. Whether Defendants' failure to properly supervise and monitor their employees at the Restaurant makes Defendants liable for negligence;
- c. Whether Plaintiffs and Class Members' increased risk of exposure to Hepatitis A was caused by Defendant's negligence;
- d. Whether Defendants' failure to properly supervise and monitor their employees at the Restaurant results in breaches of express warranty or product liability;
- e. Whether Defendants' design, manufacture and/or sale of food and beverage products that were not of fair average quality and also not fit for the ordinary purposes for which such goods are used constitutes violations of the implied warranty of merchantability;
- f. Whether Defendants are jointly and severally liable for the violations alleged herein;
- g. Whether Defendants timely detected the fact that their employee had contracted Hepatitis A;

- h. The nature and extent of the legal claims available to Plaintiffs and Class Members as a result of zone of danger into which Defendant's conduct has placed them; and
- i. The recoverable damages of Plaintiffs and Class Members associated with the necessary testing, vaccination, inconvenience, disruption, and fear naturally appertaining thereto as a result of Defendants' misconduct.

46. Typicality. Plaintiffs' claims are typical of those of the absent Class members because his claims arise from the same event as those experienced by Class members, *i.e.*, actual or potential exposure to Hepatitis A due to the consumption of food and/or beverages purchased from the Restaurant at which an employee who tested positive for Hepatitis A worked and handled food.

47. The impact may vary slightly in degree from person to person, but Plaintiffs remain typical of the Class because each member of the Class were similarly affected by Defendants' negligence.

48. Adequacy of Representation. Plaintiffs are adequate class representative because he will fairly and adequately represent and protect the interests of all members of the Class, and his interests are not antagonistic to those of other class members.

49. Further, Defendants have no unique defenses against Plaintiffs that would interfere with her representation of the Class. Defendants' defenses against Plaintiffs are no different than those against any of the Class members.

50. With respect to counsel, Plaintiffs have engaged Sauder Scheklopf LLC and Whitfield Bryson & Mason LLP to represent Plaintiffs and the Class. Sauder Schelkopf and Whitfield Bryson & Mason have extensive experience in class action litigation.

51. The requirements of Rule 23 are met here, because the class is so numerous as to make it impracticable to bring all Class members' cases individually before the court, and because Plaintiffs and their counsel are adequate Class representatives.

FIRST CAUSE OF ACTION
(Negligence)

52. Plaintiffs and the Class reallege and incorporate by reference the allegations contained in all preceding paragraphs of this Class Action Complaint as though set forth fully herein.

53. Defendants manufactured, distributed and sold food and beverage products that were actually or potentially adulterated with Hepatitis A and not fit for human consumption nor reasonably safe as designed, manufactured or sold.

54. Defendants were negligent in manufacturing, distributing and selling food and beverage products that were actually or potentially adulterated with Hepatitis A, not fit for human consumption, nor reasonably safe due to Hepatitis A contamination.

55. Defendants had a duty to exercise the degree of care expected from a reasonably prudent food service establishment and a duty to safeguard Plaintiffs and Class members' well-being. Defendants failed to exercise the degree of care expected of a reasonably prudent food service establishment in similar circumstances. Defendants had a duty to train and supervise their employees and to ensure that sanitary food-handling procedures were followed with regard to food service provided to Plaintiffs and Class members.

56. Defendants failed in their duties to Plaintiffs and Class members because they knew or should have known that a Restaurant employee was putting Plaintiffs and Class members at risk of Hepatitis A exposure. Defendants acted negligently in supervising their food-handling staff.

57. As a direct and proximate result of Defendants' negligence, Plaintiffs and Class members have: incurred the need for necessary medical care, treatment, and services received as of the filing of this action and with reasonable probability to be required in the future; have incurred inconvenience and loss of time associated with such medical care, treatment, and services; suffered serious emotional distress, including but not limited to living with the knowledge that they could have or potential will contract a bloodborne pathogen disease, such as Hepatitis A.

58. Plaintiffs' and Class members' injuries are unknown and will require and will continue to require expensive medical care and treatment. These and other general and special damages are in excess of twenty-five thousand dollars (\$25,000), are continuing in nature, and will be determined by the jury at the time of trial.

SECOND CAUSE OF ACTION
(Breach of Express Warranty/Product Liability)

59. Plaintiffs and the Class reallege and incorporate by reference the allegations contained in all preceding paragraphs of this Class Action Complaint as though set forth fully herein.

60. Defendants are manufacturers under the North Carolina Product Liability Act, N.C. Gen. Stat. §§ 99B-1 *et seq.* ("the Act").

61. Defendants manufactured, distributed and sold food and beverage products that were potentially adulterated with Hepatitis A and not fit for human consumption and not reasonably safe as designed, manufactured or sold, thus creating risk and injuring Plaintiffs and Class members.

62. Defendants failed to adequately warn Plaintiffs and Class members of the dangers associated with the adulterated food and beverages.

63. Defendants owed a duty to Plaintiffs and Class Members pursuant to the Act that the food it prepared and sold was safe for human consumption, healthful, and suitable for all.

64. Defendants represented and warranted that the adulterated food and beverages were safe for consumption.

65. Defendants breached their express warranties with Plaintiffs and Class Members that the food and beverages were safe for consumption.

66. Defendants' design, manufacture and/or sale of food and beverage products that were potentially adulterated with Hepatitis A and not fit for human consumption and not reasonably safe as designed, manufactured or sold, together with their failure to adequately warn Plaintiffs and Class members of the dangers of such actions, violates North Carolina law, including but not limited to the North Carolina Product Liability Act, N.C. Gen. Stat. Ch. 99B.

67. As a direct and proximate result of the violations of the standard of care and failures by Defendants, Plaintiffs and Class members have: incurred the need for necessary medical care, treatment, and services received as of the filing of this action and with reasonable probability to be required in the future; have incurred inconvenience and loss of time associated with such medical care, treatment, and services; suffered serious emotional distress, including but not limited to living with the knowledge that they could have or potential will contract a bloodborne pathogen disease, such as Hepatitis A.

68. Plaintiffs' and Class members' injuries are unknown and will require and will continue to require expensive medical care and treatment. These and other general and special damages are in excess of twenty-five thousand dollars (\$25,000), are continuing in nature, and will be determined by the jury at the time of trial.

THIRD CAUSE OF ACTION
(Breach of Implied Warranty of Merchantability)

69. Plaintiffs and the Class reallege and incorporate by reference the allegations contained in all preceding paragraphs of this Class Action Complaint as though set forth fully herein.

70. By designing, manufacturing and/or selling their food and beverage products, Defendants imply that those products are merchantable pursuant to N.C. Gen. Stat. § 24-2-314 because they are of fair average quality within the description and are fit for the ordinary purposes for which such goods are used, *i.e.*, consumption by humans.

71. Defendants designed, manufactured and/or sold food and beverage products that were not of fair average quality and also not fit for the ordinary purposes for which such goods are used, *i.e.*, consumption by humans.

72. Defendants' design, manufacture and/or sale of food and beverage products that were not of fair average quality and also not fit for the ordinary purposes for which such goods are used constitutes violations of the implied warranty of merchantability.

73. As a direct and proximate result of the violations of the standard of care and failures by Defendants, Plaintiffs and Class members have: incurred the need for necessary medical care, treatment, and services received as of the filing of this action and with reasonable probability to be required in the future; have incurred inconvenience and loss of time associated with such medical care, treatment, and services; suffered serious emotional distress, including but not limited to living with the knowledge that they could have or potential will contract a bloodborne pathogen disease, such as Hepatitis A.

74. Plaintiffs' and Class members' injuries are unknown and will require and will continue to require expensive medical care and treatment. These and other general and special

damages are in excess of twenty-five thousand dollars (\$25,000), are continuing in nature, and will be determined by the jury at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the following relief against Defendants on behalf of himself and others similarly situated:

1. Certification of this action as a class action pursuant to Rule 23;
2. General and special damages in an amount to be proven at trial;
3. Punitive damages;
4. Reasonable attorneys' fees and costs and a service award for Plaintiffs;
5. Any and all applicable pre-judgment and post-judgment interest on the judgment;

and

6. Such other and further relief as the Court deems just and proper under the circumstances of this case.

Dated this 13th day of July, 2018.

Respectfully submitted,



Daniel K. Bryson
N.C. Bar No.: 15781
Scott C. Harris
N.C. Bar No.: 35328
WHITFIELD BRYSON & MASON LLP
900 W. Morgan Street
Raleigh, NC 27603
Telephone: 919-600-5000
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Dan @wbmlp.com
Scott@wbmlp.com

Joseph G. Sauder (seeking *pro hac vice* admission)
SAUDER SCHELKOPF LLC
555 Lancaster Avenue
Berwyn, Pennsylvania 19312
Telephone: 888.711.9975
Fax: 610-421-1326
jgs@sstrialawyers.com

Attorneys for Plaintiffs and the Putative Class

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 18-CVS-14007

E.P and S.F., individually and on behalf of)
all others similarly situated,)

Plaintiffs,)

v.)

CKE RESTAURANTS HOLDINGS, INC.,)
a Delaware Corporation; HARDEE'S)
FOOD SYSTEMS LLC., a North Carolina)
Corporation; HARDEE'S)
RESTAURANTS LLC, a Delaware)
Corporation; and MORNING STAR, LLC)
a/k/a MORNING STAR NC, LLC, a)
Florida Corporation,)

Defendants.)

**AFFIDAVIT OF SERVICE
BY CERTIFIED MAIL**

Scott C. Harris, being first duly sworn, deposes and says:

1. In accordance with Rule 4 of the North Carolina Rules of Civil Procedure, a copy of the summons and the complaint in this action was deposited in an official depository under the exclusive care and custody of the United States Postal Service in Raleigh, North Carolina for mailing by certified mail, return receipt requested, to Defendant, Morning Star, LLC a/k/a Morning Star NC, LLC, addressed as follows:

Morning Star, LLC
a/k/a Morning Star NC, LLC
Registered Agent: Brian Bergeron
624 Tyvola Rd., Ste. 103-336
Charlotte, NC 28217

2. Process was, in fact, delivered to and received on or about August 4, 2018 as evidenced by the **Exhibit A** attached hereto.


mailing by certified mail, return receipt requested, to Defendant, Hardee's Restaurants LLC,
addressed as follows:

Hardee's Restaurants LLC
Registered Agent: Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

8. Process was, in fact, delivered to and received on or about August 3, 2018 as
evidenced by the **Exhibit D** attached hereto.

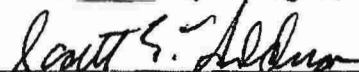
This the 24th day of August, 2018.

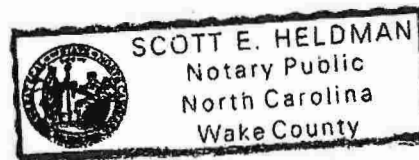
WHITFIELD BRYSON & MASON LLP



Scott C. Harris
900 W. Morgan Street
Raleigh, North Carolina 27603
Telephone: (919) 600-5000
Facsimile: (919) 600-5035
Attorney for Plaintiffs

Sworn to and subscribed personally before me
this the 24th day of August, 2018.


Notary Public
My Commission Expires: 10.2.22



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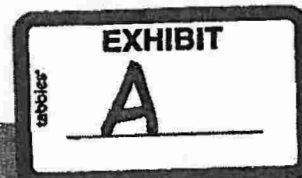
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 a/k/a Morning Star NC, LLC
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 624 Tyvola Rd., Ste. 103-336
 Charlotte, NC 28217-3578

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>[Signature]</i> <i>UPS store</i> <i>8/4/18</i></p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <i>8/4/18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>														
<p>1. Article Addressed to:</p> <p>Morning Star, LLC a/k/a Morning Star NC, LLC Registered Agent: Brian Bergeron 624 Tyvola Rd., Ste. 103-336 Charlotte, NC 28217-3578</p> <p></p> <p>9590 9402 3621 7305 6103 98</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
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<input type="checkbox"/> Mail Restricted Delivery															
<p>2. Article Number (Transfer from service label)</p> <p>7018 0680 0001 7015 5683</p>															

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Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark Here

Postage \$ _____

Total Price \$ _____

Sent To **CKE Restaurants Holdings, Inc.**
Registered Agent:
Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>CKE Restaurants Holdings, Inc. Registered Agent: Corporation Service Company 2626 Glenwood Avenue, Ste. 550 Raleigh, NC 27608</p> <p></p> <p>9590 9402 2708 6351 6894 89</p> <p>2. Article Number (Transfer from sorting label)</p> <p>7018 0680 0001 7015 5676</p>	<p>A. Signature</p> <p>X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Hughes C. Date of Delivery 8/31/18</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery </td> <td> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 70180680000170155676

Remove X

Your item was delivered to the front desk or reception area at 10:14 am on August 6, 2018 in RALEIGH, NC 27608.

Delivered

August 6, 2018 at 10:14 am
Delivered, Front Desk/Reception
RALEIGH, NC 27608

Get Updates 

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Tracking History

Product Information

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Go to our FAQs section to find answers to your tracking questions.



7018 0680 0001 7015 5690

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total P
\$

Send To
Street
City, St

Hardee's Restaurants LLC
Registered Agent:
Corporation Service Company
2626 Glenwood Avenue, Ste. 550
Raleigh, NC 27608

PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Hardee's Restaurants LLC Registered Agent: Corporation Service Company 2626 Glenwood Avenue, Ste. 550 Raleigh, NC 27608</p> <p>9590 9402 3621 7305 6103 81</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>SHANE</u> Date of Delivery <u>8/3/18</u></p> <p><input type="checkbox"/> Is delivery address different from item? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

7018 0680 0001 7015 5690

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)[Track Another Package +](#)**Tracking Number:** 70180680000170155690[Remove X](#)**Expected Delivery on****FRIDAY****3** AUGUST
2018 ⓘ **by**
8:00pm ⓘ **Delivered**

August 3, 2018 at 9:50 am
Delivered, Front Desk/Reception
RALEIGH, NC 27608

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Tracking History

Product Information

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7018 0680 0001 7015 5669

U.S. Postal Service[®]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$
 Total \$
 Sent 1
 Street
 City, S.

Hardee's Food Systems LLC
 Registered Agent:
 Corporation Service Company
 2626 Glenwood Avenue, Ste. 550
 Raleigh, NC 27608

PS Form 3800, April 2015 PSN 7530-02-000-4047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Hardee's</u> C. Date of Delivery <u>8/3/18</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Hardee's Food Systems LLC Registered Agent: Corporation Service Company 2626 Glenwood Avenue, Ste. 550 Raleigh, NC 27608</p> <p>9590 9402 3621 7305 6104 42</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail[®] <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express[®] <input type="checkbox"/> Registered Mail[™] <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation[™] <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)[Track Another Package +](#)

Tracking Number: 70180680000170155669

[Remove X](#)

Expected Delivery on

FRIDAY**3** AUGUST 2018 ⓘ by **8:00pm** ⓘ **Delivered**

August 3, 2018 at 9:50 am
Delivered, Front Desk/Reception
RALEIGH, NC 27608

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[Tracking History ▾](#)

[Product Information ▾](#)

[See Less ^](#)**Can't find what you're looking for?**